

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

LEON ROBINSON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION
	)	NO. 04-11023-RCL
	)	
THOMAS MENINO, ET AL.,	)	
	)	
Defendants.	)	
	)	

**OPPOSITION OF DEFENDANTS AMERICAN BROADCASTING COMPANIES, INC.,  
HEARST-ARGYLE STATION INC., AND WCVB TV (CHANNEL 5, BOSTON) TO  
PLAINTIFF’S REQUEST FOR SUMMARY JUDGMENT AND DECLARATORY  
JUDGMENT**

Defendants American Broadcasting Companies, Inc., Hearst-Argyle Television, Inc. d/b/a/ WCVB-TV Channel 5 (incorrectly sued herein as Hearst-Argyle Station Inc. and WCVB TV (Channel 5, Boston)) (collectively, the “Broadcast Defendants”) hereby oppose plaintiff’s Request for Summary Judgment and Declaratory Judgments. As grounds therefor, the Broadcast Defendants state as follows:

1. On March 24, 2005, the Court issued an Order on Motion to Stay the Proceedings until the outcome of murder charges pending against the defendant, who currently is incarcerated and awaiting trial. The Motion to Stay was filed by defendants Paul Evans, James Wyse, Michael Primm, John Martel, Wayne Rock, Garrett Mitchell and Charles Hardy (the “Boston Police Defendants”), and assented to by the Broadcast Defendants. The Court’s Order denied the motion without prejudice and granted the Boston Police Defendants 21 days to file certified or attested copies of all records and proceedings and docket entries in the state court action from which this case was removed so as to permit this Court to determine whether it has jurisdiction over this case.

2. On or about March 25, 2005, the plaintiff filed a "Notice of Objection and Request for Summary Judgment and Declaratory Judgments." By his filing, the plaintiff objected to the Court providing the Boston Police Defendants additional time to file the record of the removed state court action and, in addition, asked the Court to enter judgment against all defendants.

3. The plaintiff's Request for Summary Judgment and Declaratory Judgments should be summarily denied. The Court has indicated that it intends to determine whether it has jurisdiction over this case. Depending on the Court's jurisdictional ruling, it may then rule on the Motion to Stay. The Broadcast Defendants have filed a motion seeking to extend the time within which they must file a responsive pleading until those rulings are made. Plaintiff's Request for Judgment is not in compliance with the Local Rules, nor does it contain any justification for such extraordinary and unwarranted relief.

WHEREFORE, Defendants American Broadcasting Companies, Inc., Hearst-Argyle Television, Inc. d/b/a/ WCVB-TV Channel 5 (incorrectly sued herein as Hearst-Argyle Station Inc. and WCVB TV (Channel 5, Boston)) respectfully request that plaintiff's Request for Summary Judgment and Declaratory Judgments be denied.

Respectfully submitted,

**AMERICAN BROADCASTING COMPANIES,  
INC. and HEARST-ARGYLE TELEVISION,  
INC. d/b/a WCVB-TV CHANNEL 5,**

By their attorneys,

/s/ Jonathan M. Albano

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Dated: April 8, 2005

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the above document was served upon the plaintiff Leon Robinson (A-225594), Old Colony Correctional Center, Bridgewater, MA 02324 and on counsel of record for the defendants by mail on April 8, 2005.

/s/ Jonathan M. Albano

Jonathan M. Albano